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REMARKS

In response to the Office Action dated February 9, 2007, the Assignee respectfully requests reconsideration based only on the following remarks. The Assignee respectfully submits that the pending claims already distinguish over the cited documents to *Parnian* and to *Shamosh*.

Claims 1-20 are pending in this application.

The United States Patent and Trademark Office (the "Office") rejected claims 1-9, 11-18, and 20 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,538,623 to Parnian, *et al.* The Office also rejected claims 10 and 19 as being obvious over *Parnian* in view of U.S. Patent 5,144,661 to Shamosh, *et al.*

The Assignee shows, however, that the pending claims cannot be anticipated nor obviated by *Parnian* and/or *Shamosh*. The pending claims recite, or incorporate, features that are not disclosed by either *Parnian* and/or *Shamosh*. The Assignee thus respectfully requests removal of the § 102 and § 103 rejections of the pending claims.

Telephone Interview

Examiner Wong is thanked for the telephone interview of April 10, 2007. Examiner Wong agreed that the claims, as originally presented, overcome the cited documents. In particular, Examiner Wong agreed that the cited document does not disclose or suggest a "loop buffer." When this response is formally submitted, the search will be updated.

Rejection of Claims under § 102 (e)

The Office rejected claims 1-9, 11-18, and 20 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,538,623 to Parnian, *et al.* A claim, however, is only anticipated when each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir.

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1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claims 1-9, 11-18, and 20 cannot be anticipated. These claims recite, or incorporate, features that are not taught or suggested by *Parnian*. Independent claims 1 and 12, for example, describe how video data is stored in memory and in a *"loop buffer."* Examiner Wong is correct — *Parnian's* investigative "tool kit" may capture video data of a crime scene. U.S. Patent 6,538,623 to Parnian, *et al.* (Mar. 25, 2003) at column 3, lines 52-53, at column 10, lines 27-31, and at column 12, lines 26-34. *Parnian*, however, is entirely silent to storing the video data in a loop buffer. Examiner Wong alleges that *Parnian's* "event log" (illustrated as reference numeral 132 in FIG. 2) teaches a loop buffer, but Examiner Wong is, very respectfully, mistaken.

Parnian's "event log" is not a loop buffer. A close reading of *Parnian* reveals that the "event log" tracks and time stamps a sequence of events for a criminal investigation. As *Parnian* explains, it "is a still further object of the present invention to provide a method which further includes logging and time stamping events of said investigation at said investigation location for attachment to said electronic case file record." *Id.* at column 5, lines 36-41. The "Event Log database provides a means for logging and time stamping events of the investigation at the crime scene." *Id.* at column 37, lines 31-34. "The Event Log database 132 assists in logging all additions to the electronic 'Case' file record and subsequent modifications by the user." *Id.* at column 37, lines 35-37. "The 'Event Log' tracks the entry of all additions and such subsequent updates or modifications." *Id.* at column 37, lines 52-54. *Parnian's* "event log," then, does not store video data and cannot be the *"loop buffer"* as recited, or incorporated in, claims 1-9, 11-18, and 20. *Parnian's* "event log," instead, tracks and time stamps a sequence of events for a criminal investigation.

Parnian fails to teach or suggest other claimed features. Because *Parnian* fails to disclose the claimed *"loop buffer,"* *Parnian* must necessarily fails to disclose *"a set of rules stored in the memory, the set of rules determining when to transfer the contents of the loop buffer into the memory."* Examiner Wong asserts that *Parnian* teaches a set of rules for transferring the

event log to memory. Whether or not this assertion is true, *Parnian's* "event log," as explained above, does not store video data and cannot anticipate the claimed "*set of rules.*"

Moreover, the dependent claims also recite features that are not taught or suggested. Dependent claim 7, for example, recites "*wherein the set of rules specifies vehicular data that causes a transfer of the contents of the loop buffer into the memory devices memory.*" Examiner Wong points to *Parnian's* reference numerals 102, 108, and 144 in FIG. 3, but the Assignee cannot agree. Reference numeral 102 is data that describes the crime scene location. Reference numeral 108 describes a still photo of the crime scene. Reference numeral 144 describes distances measured at the crime scene. Thus FIG. 3 of *Parnian* in no way teaches "*vehicular data,*" as recited in claim 7. *Parnian*, in fact, is entirely silent to "*vehicular data that causes a transfer of the contents of the loop buffer into the memory devices memory.*" *Parnian*, then, cannot anticipate claim 7.

Dependent claims 11 and 20, likewise, distinguish over *Parnian*. As the above paragraphs explained, *Parnian's* "event log" tracks and time stamps a sequence of events for a criminal investigation. Time stamps, however, are in no way analogous to the claimed metadata that provides "*a description of a rule that caused the contents of the loop buffer to be transferred to the memory.*" Because *Parnian* does not disclose a "loop buffer," *Parnian* cannot anticipate claims 11 and 20.

Claims 1-9, 11-18, and 20, then, cannot be anticipated. Independent claims 1 and 12 describe how video data is stored in memory and in a "*loop buffer.*" Independent claims 1 and 12 also recite "*a set of rules stored in the memory, the set of rules determining when to transfer the contents of the loop buffer into the memory.*" The patent to Parnian, *et al.* fails to teach or suggest these features. Examiner Wong is thus respectfully requested to remove the § 102 rejection of these claims.

Rejection of Claims under § 103 (a)

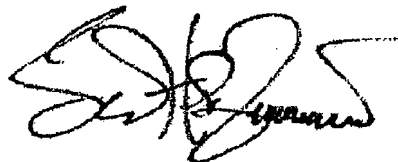page 8

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The Office also rejected claims 10 and 19 as being obvious over *Parnian* in view of U.S. Patent 5,144,661 to Shamosh, *et al.* If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claims 10 and 19 cannot be obvious. These claims incorporate the distinguishing features of their respective base claims. These claims, for example, incorporate the *"loop buffer"* as recited in independent claims 1 and 12. Moreover, dependent claims 10 and 19 also incorporate *"a set of rules stored in the memory, the set of rules determining when to transfer the contents of the loop buffer into the memory."* Because the combined teaching of *Parnian* and *Shamosh* is silent to at least all these features, one of ordinary skill in the art would not think that claims 10 and 19 are obvious. The Assignee thus respectfully requests removal of the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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